

AMENDMENTS TO THE DRAWINGS

Please amend the drawings as described below.

The “ANNOTATED Sheet” (attached) shows the changes in red ink. The associated “REPLACEMENT Sheet” (attached) represents a clean version of the Annotated Sheet. A textual description of the amendments appears below.

In Fig. 4, new blocks 51A and 51B, plus corresponding descriptive labels, have been added. In addition, optional (as indicated by dashed/phantom lines) arrows from block 52 to block 51A, from block 51A to block 54, from block 51A to block 51B, and from block 51B to block 52, respectively, have been added.

Attachments.

<remainder of page left blank intentionally>

REMARKS

Claims 1-23 are pending. Of those, claims 1, 2, 8, 9, 14 and 15 are independent.

Allowable Subject Matter

Applicants acknowledge with appreciation the indication that claims 2, 3, 9, 15 and 16 are allowed.

§112 Rejection

Beginning on page 3 of the Office Action, the Examiner has rejected claims 21-23 under 35 U.S.C. §112 as failing to comply with the written description requirement. Specifically, the Examiner asserts that the application as originally filed does not show possession by Applicants of more than one alternate order by which the proposed changes can be effectuated. Applicants disagree with this rejection.

For example, support for possession of this claimed feature is found in the third sentence of Paragraph No. 40 in the application as originally filed, which discusses a disclosed configuration in terms of an advantage that it can confer:

More particularly, in one configuration, the present invention allows administrators to specify all tunable parameter changes at once without having to figure out order in which the changes must be applied to avoid violating constraints.

The skilled artisan, based upon the above-noted sentence in particular and the application as originally-filed as a whole in general, would have understood that allowing an administrator to specify all tunable parameter changes without the administrator also having to figure out the order in which the changes must be applied would, in some circumstances, involve evaluation of more than one alternate order by which the changes must be applied.

For example, if only one alternate order was contemplated, and the number of proposed changes lent itself to three or more possible orders by which the changes could be applied, then only considering one alternate order amounts (in effect) to consideration of only two of the three possible orders, i.e., fewer than all possible orders. In the example, the proposed changes would result, e.g., in

an unwarranted error message because the viable order would not have been considered. If the application as originally filed contemplated only one alternate order as asserted by the Examiner, then how (in view of the example provided above) could such a configuration truly have “allow[ed the] administrator[] to specify all tunable parameter changes at once without having to figure out order in which the changes must be applied to avoid violating constraints”? The answer is that such a configuration (i.e., according to the Examiner’s asserted interpretation) could not achieve, and potentially would thwart, a stated advantage.

In view of the foregoing discussion, it is submitted that the above-quoted sentence from Paragraph No. 4 reflects Applicants’ possession of the claimed subject matter. Accordingly, the rejection is improper and its withdrawal is requested.

Drawing Objection

Beginning on page 2 of the Office Action, an objection to the drawings is made. By this reply, clarifying changes (as described above) to Fig. 4 have been made. In view of these, withdrawal of the objection is requested.

It is noted that this reply has amended paragraph No. 40 to include a description of the changes made to Fig. 4.

§103 Rejection

On page 3 of the Office Action, the Examiner has rejected claims 1, 4-8, 10-14 and 17-23 under 35 U.S.C. §103 as being unpatentable over AAPA in view of “Dynamically Tunable Kernel Parameters in HP-UX 11i” an Hp-UX 11i white paper from Hewlett-Packard (cited in IDS dated 5/6/2005, hereinafter, “the White Paper”). This rejection is traversed.

The White Paper (*italicized* emphasis in original, underlined emphasis added) states:

An *automatic* tunable is one that is constantly being tuned by the kernel itself, in response to changing system conditions. However, the administrator has the option of setting a fixed value for it, like a dynamic tunable, and thus disabling the automatic tuning algorithm.

The teaching of the White Paper can be parsed as follows: (1) receiving information concerning current system conditions; (2) proposing a candidate value representing a possible change to the given tunable parameter based upon the current system conditions; (3) evaluating whether the candidate would violate the given constraint; (4) if not, then approving the candidate as the proposed change; but if so, then (5) modifying the candidate and (6) repeating Step (3). Each of Steps (1)-(6) is performed by the kernel itself.

Amended claim 1 (for example) recites (among other things) receiving proposed changes from a user of the kernel. In contrast, the White Paper teaches that it is the kernel itself that proposes changes. Thus, in the context of an automatic tunable parameter as defined by the White Paper, a distinction over the White Paper of claim 1 is receiving proposed changes from a user of the kernel.

Amended independent claims 8 and 14 recite a feature similar to claim 1, respectively, and similarly distinguish over the applied combination of art. Claims 4-6, 10-13 and 17-23 depend from claims 1, 8 and 14, respectively, and at least similarly distinguish over the applied combination of art.

In view of the foregoing discussion, the applied combination of art fails to teach or suggest at least one element of each claim, rendering the rejection improper. Accordingly, withdrawal of the rejection is requested.

<remainder of page left blank intentionally>

CONCLUSION

The issues raised in the Office Action are considered resolved. Accordingly, Applicants once again request a Notice of Allowance.

Person to Contact

In the event that any matters remain at issue in the application, the Examiners are invited to contact the undersigned for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-2025 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Aswin CHANDRAMOULEESWARAN et al.

By: 

Thomas S. Auchterlonie
Reg. No. 37,275

HARNES, DICKY & PIERCE, P.L.C.
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

TSA/cm:tta

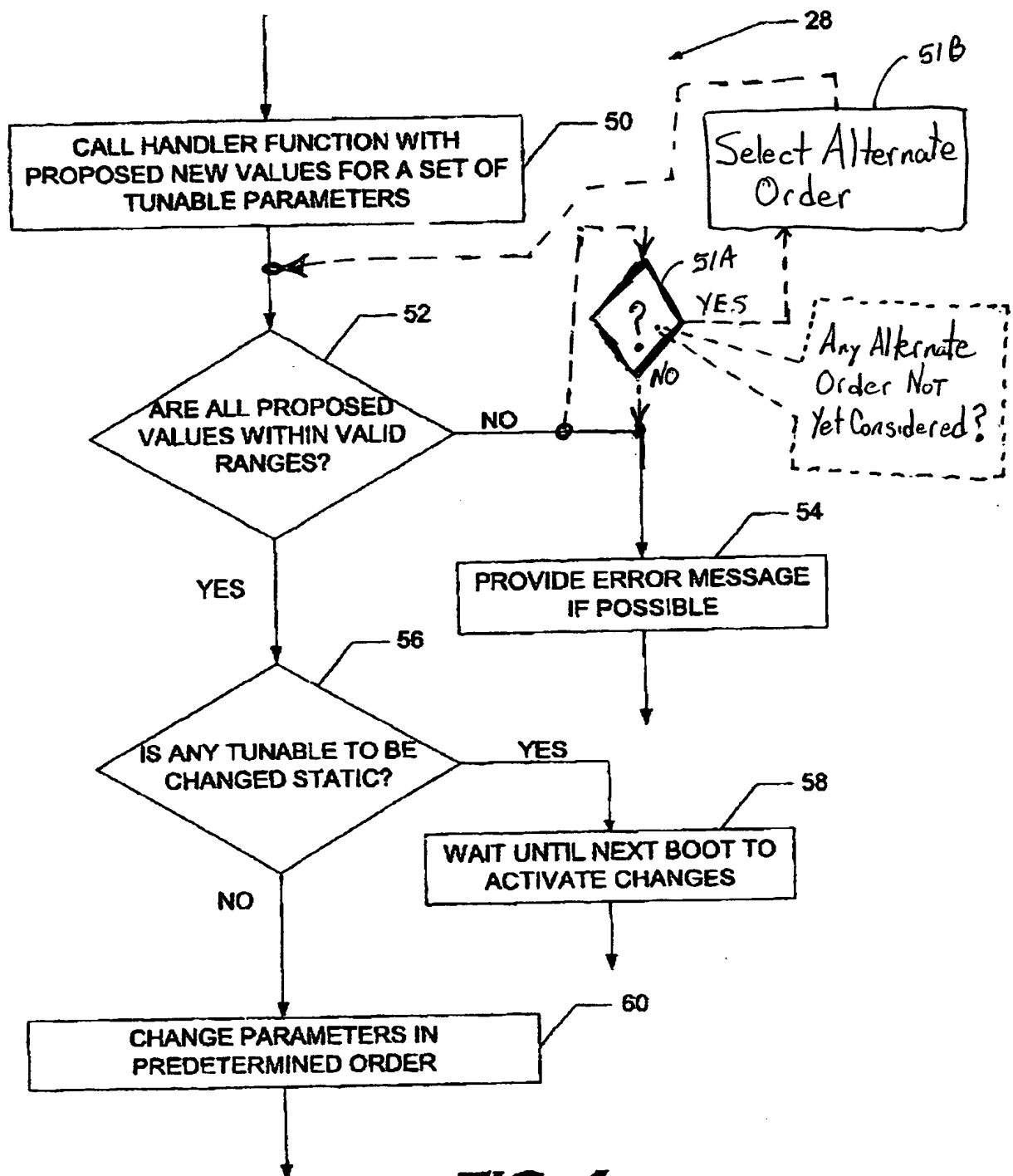


FIG. 4